

THE DELHI RENT CONTROL (AMENDMENT) BILL, 1984

THE DEPUTY MINISTER IN THE
MINISTRY OF WORKS AND HOUSING
(SHRI MOHD. USMAN ARIF); Mr. Vice-
Chairman, Sir, I beg to move

'That- the Bill further to amend the
Delhi Rent Control Act, 1958, as passed
by the Lok Sabha, be taken into
consideration

Sir, the Delhi Rent Control Act, 1958, provides for the control of rents and evictions and of rates of , hotels and lodging houses, and for the base of vacant premises to Government, in certain areas in the Union Territory of Delhi. Chapter VI of the Act provides for appointment of Controllers and their powers and functions and appeals. Landlords or tenants prefer their cases for redressal of grievances under this Act to the courts of the Rent Controller or the Additional Rent Controller. At present, there is one Rent Controller and six Additional Rent Controllers in Delhi. For dealing with the appeals arising out of the orders of the Rent Controller/Additional Rent Controllers, there is one Rent Control Tribunal and every appeal is preferred to the Tribunal under section 38 of the Act. There is no provision for appointment of Additional Rent Control Tribunals.

It had been noticed of late that a large number of appeals are pending in the Rent Control Tribunals; and the single Rent Control Tribunal has not been able to cope with these appeals.) which results in delay in the finalisation of the appeals and the Justice delayed is justice denied. The Delhi High Court has also said that the number of appeals pending with the Tribunal is very large.

Keeping in view the difficulties experienced by the Delhi High Court and to expedite the finalisation of the appeals pending with the Tribu-

nal, it is proposed to amend the Delhi Rent Control Act, 1958, to provide for the appointment of Additional Rent Control Tribunals. Accordingly, section 38A has been inserted in the Act and powers have also been vested in the Delhi High Court for transfer of appeals from one Tribunal to Additional Tribunals, etc., under section 38B now inserted in the Act.

Opportunity has also been availed of to amend the provisions relating to the laying of rules before Parliament to give effect to the recommendations of the Committees on Subordinate Legislation of the Houses of Parliament. It has been recommended by the Committee on Subordinate Legislation that there should be a uniform law relating to the laying of rules before both the Houses for a period of 30 days comprising in one session or two or more successive sessions. With these words I move that the Bill further to amend the Delhi Rent Control Act, 1958, as passed by the Lok Sabha, be taken into consideration.

*The question was
proposed.*

SHRI PUTTAPAGA RADHAKRISHNA
(Andhra Pradesh): Mr. Vice-Chairman, Sir, this Bill was introduced in Parliament in the year 1980 and this came up for consideration in this House now. The Bill has not become a law for the last four years. I think it is a bad precedent of parliamentary system.

Cuming to the amendment, section 39 and 40 do not deserve any consideration because they are of a consequential nature. Section 56 relates to laying of papers before the House when the rules are framed.

Now, Sir, the Minister, regarding * section 38, has stated in the Statement of Objects and Reasons that to keep up with the requirements of speedy disposal amendments are brought out. But I think under section 38 there is provision for appointing a number of Rent Con-

trailers for Delhi. And there are a number of Additional Rent Controllers. The Government has not appointed any more Rent Controllers except one. There is only one Rent Controller, as the Minister said, for the entire Delhi. And there are six Additional Rent Controllers as disclosed on the floor of the Lok Sabha.

J Sir, the Rent Controller has the power to transfer any case from him to an Additional Rent Controller or from one Additional Rent Controller to another Additional Rent Controller or he can withdraw any case from the Additional Rent Controller. This is a sort of concentration of power, centralisation of power of administration. That is the root cause for delay. Instead of appointing a number of Additional Rent Controllers, the Government should have appointed some more Rent Controllers and they should have specified the areas for each Rent Controller. Sir, same is the case with Section 38, while constituting the Tribunals. Instead of bringing about an amendment, that is addition of Section 38A for constituting Additional Rent Control Tribunals, they should have constituted some more Tribunals for the speedy disposal of the appeals. Sir, under Section 38B, the High Court is vested with some other powers. Sir, under this Rent Control Act, the Rent Controller or the Tribunal are treated to be civil courts for the purpose of Code of Civil Procedure. As such the High Court has an inherent power to transfer any case from any court to any other court. There is also writ provision under article 226 of the Constitution. There is no need for bringing another amendment, for adding Section 38B. So, this is a cumbersome procedure, and this leads to further delay and further costs. Delay in disposal and cost of litigation are the two giant problems in our judicial administration. I think, this legislation is further en-

litiga

tion. So, this is absolutely not

necessary, and the Government has kept away some important problems.

Sir, under Section 4 of this Act, there are some steps to be taken to curb the evil practices like *pagdi* and exorbitant rate of advance rent. And the Government has not taken any steps to curb such evil practices. Sir, the Government, if it is sincere for the removal of delay in the disposal of the cases and to remove the cost of litigation they should have brought about some more comprehensive legislation to check up all these things. Sir, the housing problem is a great problem in India, more particularly for the people who are coming from far away places. If they do not have friends and relatives here, it is a great problem for them. The Government should have undertaken an exhaustive scheme for housing, and they should have encouraged the cooperative housing scheme, and they should have asked or impressed upon the industrialists to go in for providing accommodation for their worker and employees. In this way, there are a number of steps which can be taken by the Government. Instead of taking all those steps, they have brought about this legislation. Sir, more particularly, I would like to draw the attention of the Government to the problem faced by the people who have come from far away places. This particular problem is inter-linked with the housing¹ problem. The people who have come from Andhra Pradesh, Tamil Nadu, Karnataka and Kerala are not having permanent houses here, and they are residing here and there in rented houses. First of all they are facing problems regarding the rents and the problems connected with that. Apart from that, in the recent enumeration for issuing ration cards, the authorities have not issued ration cards to those who are not speaking Hindi, that is to people speaking Telugu, Tamil, etc. They have asked these non-Hindi speaking people to get some certificates from their own

[Shri Puttapaga Radhakrishna]

home States stating that they do not possess any ration cards in their home States. It is highly impossible. They cannot go to their home States and get these certificates. It is impracticable and it is not required also.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Please conclude now.

SHRI PUTTAPAGA RADHAKRISHNA: Anyhow, I am not going to, oppose the Bill. But the Government should have brought forward a comprehensive law for curbing all these evil practices and improving the Act generally. The Minister, I hope, will consider all these things. With these words, Sir, I conclude.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Shri Vishwa Bandhu Gupta—absent. Yes, Dr. Shanti Patel.

DR. SHANTI G. PATEL (Maharashtra): Sir, this Bill has been brought forward with a view to removing certain difficulties in the present law. But this has also taken a long time and the High Court of Delhi was required to observe that there are so many appeals pending. But the Government moves in the matter very slowly with a view to have some corrections made in the Bill, for the occupants of the tenements, particularly those who are suffering. This only shows that the common hardships, particularly the miseries and the woes of the common man are not being looked after in time by the party in power. It has taken the Government 26 years to, put the law in proper perspective and on the proper footing so that the main purpose of fixing the standard rent could be achieved. As has been stated, there have been a number of appeals, as far as this is concerned. Even the present Rent Controller and six Additional Rent Controllers are

not able to cope up with the work. I would like to know 'as to, how many cases are pending with these controllers because that will give an indication regarding the amount of disputes that have been going on under this particular law. Sir, at present I learn that there are about 15,667 disputes pending before the appellate tribunals. This refers to the month of October 1983. Now, the persons who will be appointed as Additional Rent Control Tribunals will be sitting District and Sessions Judges. They are already overworked. They have a lot of work to dispose of. I wonder as to how the sitting judges-fire going to do justice to this particular problem. As the Minister himself has said, justice delayed is justice denied. I think the same thing is going to go on for years to come and, maybe, after another 26 years the Government will come forward with another amendment to the Bill so that the things may be set right. Apart from this what is the root cause of this particular malady? Unless we treat the root cause all the symptomatic treatment, this *mahlampatti* approach, is not going to be of any use. The real cause is the housing shortage and unless that problem is sought to be met in an imaginative and bold manner this problem is going to persist. The rents have been rising, as complained by the previous speaker and even an* ordinary tenement costs nothing less than Rs. 200 to Rs. 300, if a new tenement is to be had. As far as old tenements are concerned, there is a *pugreh* also to be given and thus a new tenant, a new occupier is faced with a lot of difficulties. What is the performance of the Government as far as the housing problem in Delhi is concerned? In 1975 a decision was taken to build 90,000 tenements every year. Their performance, as estimated, was only 15,000 per year. There has been a shortage of 75,000 tenements every year and if we calculate the shortage and backlog of these ten years, the shortage will be of the order of seven and a half lakhs, and

again the original backlog is nothing

less than one million as far as housing shortage in the capital city, in the political capital, of the country is concerned.

Now, I am sure, probably I except, the Minister will say that they have built' more houses, probably a few lakhs more in recent years, but again the shortage is so staggering that unless radical measures are taken they are not going to improve this housing shortage. For that the Government would have to take bold policy decision and go for housing in a big way. Unless a massive time-bound programme is undertaken and the whole problem is tackled on a war-footing, to give relief to the common man, the things are not going to be solved. And we are going to face these difficulties. The situation is going from bad to worse. One way of solving the problem is, land should be made available to the people. There are people who are prepared to advance money, so that those interested may build houses on their own. But what is not available is the land; this is available only at speculative prices. In this context, I would like to point out that DDA has been purchasing land at a very cheap rate. They develop it and sell it at very high rates, which is difficult for common people, particularly the workers, the middle-class people. So, this profit motive in selling the land and making it available to the common man, should be removed. Cooperative societies should be encouraged; finances should be made available and even the Government should function as agencies in provide the expertise; they should have a section from which the whole process of registration of the cooperative societies, making finances available, making building materials available, should be organised. I would suggest to the Government to act on these lines; it is bound to do it. But whenever we have raised this point as a welfare act, they say that they cannot do it because they don't have the funds.

Why is this population going up in the cities?. It is mainly because of

the Government policies; it is because the commercial houses are encouraged-because certain industries are encouraged. So, it will be in the fitness of things to put a certain tax on these commercial houses and industries. I would, in all earnestness, suggest that they should have a turnover tax on the people who are responsible for increase in population, for this fast, increase in population in the city.

I would also like to refer to the plight of persons who have very small houses. For them, it is becoming difficult to get back possession of their small houses. So, those who are interested in self-occupation and who are of small means, should be permitted; the law should operate in a manner, so that they can take back possession of their houses, and those who are staying in those houses as tenants, accommodated somewhere else. Unless this policy is adopted, problem is not going to be solved, and the purpose with which this whole Act was passed sometime in 1958, is not going to be served.

I would conclude by saying that if the whole housing problem is tackled in a proper manner, it can be solved. With a view to meet the housing shortage, particularly to provide affordable housing in the city, sites and services programme should be undertaken. I am not saying about buildings or sky-scrapers. Even if you provide sites and services so that common people can go there and build small hutments or small structures of their choice at their own expense, it will help in solving the problem. I know an effort is being made; but it is just a drop in the ocean. What needs to be done is on a large scale so that this problem can be solved. I hope the Government will try to look into it so that hardship of people, the problem of the people is sorted out at an early date.

श्रीमती प्रतिभा सिंह (बिहार): माननीय उपसभाध्यक्ष महोदय, यह जो दिल्ली रेंट कंट्रोल बिल आया है, इसका लक्ष्य

[श्रीमती प्रतिभा सिंह]

बहुत ही समिति है। विशेष करके इस बिल में इस विषय को लाया गया है कि जो मकान मालिक और किरायेदार के बीच में अत्यधिक कोसेज हो गए हैं, उनके बारे में वह बिल है। सन् 1958 में यह दिल्ली रेंट कंट्रोल बिल लाया था। उसके बाद इसमें कोई एमेंडमेंट नहीं आई। लोक सभा में कई माननीय सदस्यों ने इस विषय पर प्रश्न किए तो हमारे माननीय मंत्री श्री दूटा सिंह जी ने कहा कि हम एक बहुत ही कम्प्रेहेन्सिव बिल इस विषय पर ला रहे हैं। आज प्रश्न यह है कि सन् 1973 तक केवल नौ सौ कोसेज रीडिंग थीं। सन् 1979 में इनकी संख्या 1605 हो गई और आज जैसा कि मंत्री पूर्ववक्ता माननीय सदस्य ने बताया कि अब इनकी संख्या 15 हजार से भी ज्यादा हो गई है। इन कोसेज की सुनवाई के लिए हमारे पास कोई व्यवस्था नहीं है, कोई ट्राइब्यूनल नहीं है। इसलिए हमने एडिशनल ट्राइब्यूनल बनाने हैं और उसका ही अधिकार सरकार ले रही है। दूसरा, इस बिल में इन्होंने दिया है कि हाई कोर्ट को भी अधिकार होगा कि वह भी देखकर, अगर किसी की अपीलेशन हो तो एडिशनल ट्राइब्यूनल में जो पहले से मामले रीडिंग हैं, जिनकी सुनवाई नहीं हो रही है, उनको वहां रखे। अब प्रश्न यह है कि एक तरफ तो हम सब जानते हैं कि जो मध्यम वर्ग के लोग हैं, साधारण लोग हैं वे बड़ी मुश्किल से मकान बनाते हैं। और जब वे यहां जाते हैं तो कोसेज रीडिंग पड़े रहते। हमारे जो डिफेंस सर्विस के लोग हैं, हमारे जो एक्सटर्नल एफियर्स के लोग हैं वे अपनी सारी जिन्दगी की कमाई से एक मकान बनाते हैं और उस समय तत्कालीन किरायों की दरों के अनुसार किराए परदे देते हैं, इस उम्मीद में कि जब वापस आयेगे, तो वह जो मकान उन्होंने बनाया है, किसी तरह में, बैंक से लोन लेकर या सरकार से लोन लेकर, उस कर्ज की राशि को वे धीरे-धीरे चुकाते हैं इस आशा से कि जब वापस आयेगे तो हम अपने बाल बच्चों के साथ इस मकान में रहेंगे। जाहिर है कि जब मकान किराये पर दिया होगा तो किराया कम होगा और आज किराया

बढ़ गया है। जो लोग किरायेदार बनकर वहां बैठे हुए हैं उनमें से अधिकांश लोग उपसभाध्यक्ष महोदय उनकी स्थिति अच्छी है और वे लोग काफी बड़े लोग भी हैं, जिनके पास कोई इस तरह की सम्पत्ति पास अपनी सम्पत्ति है वे किरायेदार बन गए हैं। लेकिन जो ये साधारण लोग हैं, जिनके पास कोई इस तरह की सम्पत्ति नहीं है, उनके पास कोई तरीका नहीं है जो वह अपने मकान वापस ले सकें। उन्हें हरसं किया जाता है। उनके पास रहने के लिए जगह नहीं है। मैं ऐसे काफी डिफेंस के लोगों को जानती हूँ, जनरल भी उनमें हैं, वे लोग साल भर से बैठे हुए हैं, उन्होंने कॉर्पोरेशन की है लेकिन उनका मकान खाली नहीं हुआ।

श्री जसवंत सिंह (राजस्थान): मंत्री जी आपके पास बैठे हुए हैं उनसे कहिए।

श्रीमती प्रतिभा सिंह: इसीलिए उन्हें सुना रही हूँ ताकि वे इसको इस रूप में समझें और जो उन लोगों को हरसं किया जा रहा है वह न हो।

दूसरी बात जो ध्यान देने की है, श्रीमान, मैं आपके द्वारा मंत्री महोदय से सरकार से कहना चाहता हूँ कुछ लोगों ने ऐसा भी किया है कि एप्रीमेंट डीड में उन्होंने लिखा है कि हम यह मकान आपसे रिहायश के लिए ले रहे हैं। इसलिए जाहिर है कि उसका किराया कम होगा। लेकिन उसमें उन्होंने कर्माशयल बैचर खोल दिया है, अस्पताल खोल दिया है जिनमें एक-एक कमरे का किराया 6-6 सौ रुपये होता। जब कि मकान मालिक से उन्होंने बहुत ही कम किराये पर रिहायश के नाम पर लिया हुआ है। इसलिए क्या सरकार कोई इस प्रकार के एप्रीमेंट्स हैं और जिनमें ऐसी व्यवस्था करेगी जिसमें जो कोई व्यक्ति बिना परमीशन के, जिस काम के लिए किराये पर लिया वह न करके दूसरा काम उस में कर रहा है, उसके लिए सजा का कोई प्रबंधन होगा और उनको वहां से निकालने का कोई उपाय होगा। अगर उनके रिश्तेदार बड़े लोग हैं, कुछ हाई कोर्ट में जज हैं तो तब मकान मालिक के लिए कोई रास्ता नहीं है। बचारा मकान मालिक जिसने अपने बच्चों के लिए मकान

बनाया कि हम उसमें सुख से रहेंगे उसका किरायेदार छाड़ता नहीं है। कोसेज 6-6 साल, आठ-आठ साल तक चलते हैं।

दूसरी बात उपसभाध्यक्ष महोदय यह है कि दो साल का एग्रीमेंट होता है। उसके बाद एग्रीमेंट रिवाइज नहीं हुआ, रिन्यू नहीं हुआ। 6 साल, 8 साल, 10 साल हो गए। किरायेदार मकान नहीं छाड़ता है। अगर ट्राइब्यूनल ने कोई फैसला दे दिया कि तुम इस मकान में नहीं रह सकते हो तो वह हाई कोर्ट में जाकर, सुप्रीम कोर्ट में जाकर स्टे आर्डर ले लेता है। अब आप बतलाइये कि उनके बाल-बच्चे कहां जायें और कहां रहें। क्या तरीका है उनके पास आपके डी. डी. ए. के बिना इजाजत अगर कोई अस्पताल खोलना चाहें तो नहीं खोल सकता है कानून के अनुसार क्लीनिक खोलना चाहें तो नहीं खोल सकता है। लेकिन उपसभाध्यक्ष महोदय, जिनके पास अपना मकान है उन्होंने साधारण आदमी को कम किराये पर मकान दिया था एक सेन्ट्रल लोकलेटी में और अगर वहां बिना इजाजत क्लीनिक किसी ने खोला तो आप मकान मालिक की रक्षा कैसे करेंगे? क्या तरीका है? वहां व्यापार कर रहे हैं। उससे छड़ाने का क्या तरीका होगा, यह तो आपने दिया नहीं है इसमें आपने यह जरूर दिया है कि अधीशनल ट्रिब्यूनल आप अप्वाइंट कर सकते हैं लेकिन इसमें आपने यह नहीं दिया है कि उस ट्रिब्यूनल के फैसले को बाद क्या होगा, वह मान्य होगा या नहीं होगा या फिर से किरायेदार उस ट्रिब्यूनल के फैसले को ले कर हाई कोर्ट जाएगा, सुप्रीम कोर्ट जाएगा वह बेचारा गरीब मालिक क्या करे। कई लोगों का मैं जानती हूँ जो इस चक्कर में अपने मकानों के लिए अपना पैसा अपनी कमाई लगा लगा कर हाई कोर्ट में लड़ते-लड़ते मर गए हैं। उपसभाध्यक्ष महोदय, मैं सरकार से कहना चाहती हूँ कि जो साधारण लोग हैं, साधारण नौकरियाँ करने वाले लोग हैं यहां दूसरे प्रदेशों से आए हैं उनको घर की दिक्कत है, उनके लिए घर की कोई न कोई व्यवस्था होनी चाहिए। इसके लिए आप उन्हें इन्सिडेंट दें और कोई व्यवस्था करें लेकिन आज के कुछ हिन्दुस्तान में डी. डी. ए. में और

दूसरी जगहों पर धांधली हो रही है उसे रोकने का कोई न कोई तरीका सरकार को जरूर ही करना पड़ेगा। सारे हिन्दुस्तान के लिए यह बिल नहीं है सिर्फ दिल्ली के लिए है इसलिए अगर दिल्ली की समस्या अपने एक ठग से हल कर ली तो वही उदाहरण हो जाएगा दूसरे प्रदेशों के लिए और दूसरे प्रदेश कुछ कर सकांगे। मंत्री महोदय जो अर्मेंडमेंट लाए हैं इसके लिए मैं उन्हें बधाई देती हूँ। मैं इस बात के लिए भी उन्हें बधाई देती हूँ कि एक कम्प्रहेंसिव बिल लाने के लिए वे सोच रहे हैं। लेकिन इसमें कमियाँ रह गई हैं। आपने यह नहीं कहा है कि फैसला जा होगा ट्रिब्यूनल का वह अन्तिम फैसला होगा, वह उसके बाद भी कोसेज चलते रहेंगे। जद ट्रिब्यूनल का फैसला हो जायगा तो उनके बाद मकान मालिक को किरायेदार से कैसे आप मकान दिलवाएंगे? अगर मजबूत किरायेदार है, मान लीजिये, कोई बड़ा व्यापारी है जो 10-20 हजार खर्च कर सकता है तो साधारण गरीब मकान मालिक कैसे अपने मकान को छड़ाएगा, इसका कोई तरीका आपको बताना पड़ेगा। इसलिए मैंने इसी एक ही प्वाइंट पर ज्यादा जोर डाला है क्योंकि यही परिस्थिति इस समय दिल्ली में यह तकलीफ है। मैं जानती हूँ एक अफसर एक्सटर्नल अफेयर्स का था जो बाहर मर गया जब उसके बीबी-बच्चे यहां आए वे अपना मकान आज तक खाली नहीं कर सके। उसके पास कोई जगह नहीं है हम जानते हैं कि डिफेंस के कई अधिकारी लॉट कर आए हैं उनको पदक भी मिले हैं, उनका सर्विस रिकार्ड बहुत अच्छा है लेकिन वे अपना एक मकान नहीं छोड़ा सके। कई इंजीनीयर हैं, डाक्टर हैं जिन्होंने कहीं पोस्टिंग हुई अपना एक मकान बनाया किस्तों का किराया पर दे दिया लेकिन रेंट भी एनहांस नहीं हुआ और न लीज रिन्यू हुई और न वे अपना मकान छोड़ा सके। इसलिए उपसभाध्यक्ष महोदय, मैं सिर्फ एक यही बात कह कर बैठ जाना चाहती हूँ कि सरकार इसके विषय में सोचे कि इसका क्या रास्ता है। रिहायशी मकानों में होटल चल रहे हैं, मोटल चल रहे हैं, क्लिनिक्स चल रहे हैं, यह सारी चीजें चल रही हैं इन सब में हर प्रकार की टैंक्स की चोरी और धांधली चल रही है लेकिन

[श्रीमती प्रतिभा सिंह]

इससे बेचारे गरीब मकान मालिक को रिहा-
यश के लिए गुंजाइश नहीं मिल रही है
उसके लिए किस प्रकार की व्यवस्था होगी
इसकी वावस्था पर आप ध्यान दें और अडोशनल
मकान जो बनाएंगे उनके लिए इंसॉल्व दें जैसे
कि बाकी चीजों में आप दत्त हैं। लेकिन
जहाँ तक इस बिल से सम्बन्धित बात है
मेरे उनका समर्थन करती हूँ। धन्यवाद।

SHRI LAL K. ADVANI (Madhya
Pradesh): Mr Vice-Chairman, Sir, I
regard this Bill and its being consider-
ed by this House today as yet another
instance of executive tardiness and
neglect and the problems of Delhi
suffer at the hands of the Central
Government. Shrimati Pratibha Singh
is right when she says that the scope
of this Bill is very limited. I do not
quarrel with the scope of the Bill, the Bill
as it is, but I do quarrel with the fact,
why is the scope limited? My complaint
is that this Bill should have been compre-
hensive. In fact, if Mr. Arif Mohd. Saheb
is here, he is piloting the Bill on be-
half of the Works and Housing Min-
istry. But this is a Bill which was in-
troduced in the Lok Sabha by Mr.
P. C. Sethi, because he was the Min-
ister of Works and Housing, in 1980.
It was introduced in 1980 and is being
considered in 1984. Perhaps one rea-
son why the Bill was not pressed for
adoption was that the Government it-
self had repeatedly assured this House
as well as the other House that they
would bring forth a comprehensive
law. In fact I was going through the
Statement of Objects and Reasons in
which it is stated:

"The Delhi High Court has report-
ed that the Rent Control Tribunal
is not able to cope with appeals
arising out of orders passed by the
seven Rent Controllers and Addition-
al Rent Controllers. In January,
1973, there were 900 appeals pend-
ing in the Tribunal. This number
has gone up to 1695 as on 1st Jan-
uary, 1977."

So that the figure given in the State-
ment of Objects and Reasons is as on
1st January, 1973. On the basis of this

Statement of Objects and Reasons, the
Ministry is going to have this Bill passed
today. This is a ridiculous situation in which
the Government has landed itself because of
its tardiness.

Sir, I have with me a question put in this
House on 26th November, 1980 by Shri
Santosh Kumar Sahn and SHRI N. P. C.
Naidu about this Rent

Control Act, and the reply given by the
Minister of Works and Housing, Shri
Bhishma Narain Singh, was:

"Rent control is a State subject. So far as
Delhi Rent Control Act, 1958 is concerned,
there is a proposal under consideration of
the Government for a comprehensive
amendment of the Act".

This is an assurance given in this House on 26th
November, 1980. Now this assurance was there.
So naturally our Assurance Committee—we
have an Assurance Committee that keeps
track of all the assurances given—pursued the
matter. My colleague—he is not with us in this
House now—Mr. Surjeet, was the Chairman of
this Committee. He had occasion to track this
and the Secretary of the Ministry was summoned
and asked as to why this had happened. And I
have with me this 24th Report of the Committee
on Government Assurances of the Rajya Sabha
which expressed the Committee's concern over the
cavalier manner in which the material about im-
plementation of the assurance was furnished it
identified this particular case and the Committee
invited the Secretary of the Ministry of Works
and Housing and apprised him of the
Committee's concern over the prolonged delay
in taking a decision on a matter that affected a
large section of the population. On being
conceded that the assurance had not been fulfilled,
an extension of time up to 31st Decem-ber,
1984 was granted to the Ministry for satisfactory
fulfilment of the assurance. So this was the
Ministry's re-quest. The highest official in
the Ministry—the Secretary—personally re-
quested the Committee to give him •

time' upto 31st of December, 1983. The time was granted and this report given; in the month of May, i.e. five months after that time limits has lapsed, the Government comes forth with the same old Bill of 1980. No comprehensive amendment is there. Nothing of the kind is there. Why? We would like to understand this. Mrs. Pratibha Singh raised several problems which were not related to these additional Tribunals. These were related to that problems arising out of Rent Control Act in general I entirely agree that so long as there is an acute housing shortage

in the country in every city, particularly in Delhi we know there is an acute shortage of houses, you have to have rent control legislation. There is no option but to have rent control legislation to ensure that the tenant, ordinary people, are not fleeced by avaricious house owners. I would prefer to have house-owners rather than landlords because "landlord" has a pejorative tinge about it, whereas "house-owner" is a matter of fact. There are many people, particularly of middle class, who save something all their life and are able to build up a small house. They become landlords. And the law becomes tilted against them. It is not a fair situation.

Sir, the Delhi Act, particularly, is sought to be not so much pro-tenant as the Bombay Act, for instance. It is said so. There are tenants who say it is pro-landlord, there are landlords, who say it is pro-tenant. But my view is that all tenants, all house-owners who feel shy of going courts, who have a fear of litigation, it is against them. All those who are afraid of litigation, the Act goes against them. And so, there is urgent and imperative need of bringing about comprehensive legislation in this regard.

It happens that this Government, a Working Group on Private Housing comprising of persons who had worked in this field, most of them. It is a very

good report. So far as this rent control problem is concerned, they said in para 21 of the Report:—

"The provisions of the Rent Control Act are so stringent that many landlords have lost interest in their properties, due to the restrictions imposed in Rent Control Act, rents of many houses, are too inadequate to allow even the normal maintenance, let alone improvements of the building. The accumulated neglect over the years has contributed towards the dilapidation of the building stock contributing to housing shortage."

Paragraph 22 of the Report says:

"Another adverse effect of the Rent Control Act is the reluctance to construct rental units or to let out existing units. The Rent Control Act is, no doubt, necessary for the protection of the interests of the tenants but at the same time the provisions should be such as to reflect, adequately, the increasing costs of maintenance and repairs and also ensure adequate return on the investment."

Now, Sir, this is a sound approach and on the basis of this approach it was expected that this Government would come forth with a comprehensive Bill. I have seen—she is not here at the moment—that Dr. Najma Heptulla, in fact, took the initiative and brought forth even a Private Bill in this regard, trying to comprehend this particular recommendation. There may be flaws in that but by and large, I would think that it is expected from the Government to see that in a matter of this kind there is no delay. Repeatedly they say, we will bring comprehensive legislation; they do not bring it. Therefore, I would like to point to the other aspect of it which also I referred to in the beginning very briefly, that is, the problems of Delhi. After all, Delhi today has a population of more than seven million, more than 70 lakhs. After a decade it may reach

[Shri Lal K. Advani] the ten million mark which is one crore. One crore is a huge population and 70 lakhs is a huge population. Many countries in the world are smaller than that. And the problems are multifarious. It happens that the authorities here are also multifarious and the citizen does not know where to go. Unfortunately, it is just not possible for the Central Government or Parliament to pay adequate attention to the problems of Delhi and therefore, problems of this kind suffer. Rent legislation should be the concern of the Assembly of Delhi, if there is an Assembly. There is no Assembly and therefore it is that it is the Central Government where all the initiative lies, it is Parliament which has to devote attention to it. On both these counts, therefore, I would expect the Minister and the Ministry to come forth with comprehensive legislation on rent control, on amending of this 1958 Act at the earliest—at the earliest. There should be no delay whatsoever, no further delay. After all 31st December 1983—the time-limit given to you has been exhausted.

SURI J. K. JAIN (Madhya Pradesh): You want comprehensive legislation. What are your suggestions?

SHRI LAL K. ADVANI: Let them come I can certainly discuss the whole gamut.

SHRI J. K. JAIN: if you want to please tenants as well as landlords, it is a problem.

SHRI LAL K. ADVANI: I would like to say that this particular Bill as well as the L- K Jha Commission Report—both of them—give a direction and in that direction we should frame a law for Delhi, amend this Act further. Not only that. I would also recommend that there should be a model law for all States. We should circulate a model law and let a model law come to regulate and govern the relation between tenant and house-owner in such a manner as to cut down

litigation to the minimum and in such a manner as to ensure that while the small tenants are not fleeced by avaricious landlords, house-owners are also not put to harassment because of this rent control legislation. This is the dual objective.

Once the Bill comes before me, I will be able to give my precise suggestions.

With these recommendations so far as this particular Bill is concerned, I have no objection to it. It has been pending for long. It should be passed.

Thank you.

SHRI PAWAN KUMAR BANSAL (Punjab) Mr. Vice-Chairman, Sir, the problem of mounting arrearage of cases pending in courts of law is a cause of concern to all those associated with the administration of justice. Often it happens that even in cases of very urgent nature, it takes inordinately long time to decide the matter, with the result that often the relief claimed is rendered infructuous by the time the decision is given.

The various rent control legislations are aimed at regulating the relationship between landlord and tenant by providing for, *inter alia* the control of rent, eviction of tenant, etc. While in consonance with the concept of any welfare legislation the object of the Rent Act is to protect the tenant against the avarice, I would say, of a feudalistic landlord, at the same time, it is the concern of any rent legislation to safeguard the interests, the genuine rights of a house-owner. That is the distinction I draw between a feudalistic landlord and a house-owner. For the attainment of these aims, it is in fact very essential that any dispute that arises between a landlord and a tenant must be decided in the shortest possible time. In this context, this particular piece of legislation the Delhi Rent Control (Amendment) Bill, is a welcome step

As we learn from the Statement of Objects and Reasons, the number of appeals pending before the Rent Control Tribunal in Delhi rose from 900 in 1973 to 1605 in 1980. This figure must have risen very sharply in the last four years. .

AN HON. MEMBER; 16,000 now.

SHRI PAWAN KUMAR BANSAL:.. because of the tendency of the litigants to avail of their legal remedy up to the highest court.

I have, however, one doubt about the ultimate result of the present Bill. As I have said earlier, the Bill definitely aims to expedite the decision of the rent appeals on Delhi. But when we have a reference to the Financial Memorandum appended to the Bill, we see that, while referring to the fact that the present amendment would not incur recurring or non-recurring expenditure, it is said that the present District and Sessions Judges in Delhi would be appointed to the tribunals that are now being postulated under the new amendment. As was said earlier by one of the hon. Members, the District and Sessions Judges are already over-burdened with their civil and criminal nature of cases. It will be in the fitness of things, keeping in view, of course, the financial constraints involved, that the Government should instead appoint more judicial officers to look into this work.

As we are presently referring 7 P.M. to the need of expeditious disposal of appeals,¹ I will make only *one move* submission before I conclude and that refers to the genuine need of those small house-owners who often have to knock at the doors of the courts for eviction of the tenants; and possession of their houses for personal necessity. My suggestion is 'that, in that event a provision should be made that the trial of the case should be a summary trial, and the case should be disposed of in any case within a period of

six months as has been provided in various other legislations including the Hindu Marriage Act.

The learned Member who initiated the debate on the subject, was somehow sceptical about the introduction of section 38B in this Act, saying that this in fact tantamounted to centralisation or concentration of power when the High Court was authorised to transfer cases or the proceeding pending before a tribunal to an additional tribunal or from one additional tribunal to another additional tribunal. My opinion is that it is a very salutary provision. Though there is a provision to that effect in the Civil Procedure Code also, the Civil Procedure Code as such is applicable to rent proceedings only regarding the procedural matters. The transfer of cases being a substantive matter, it was imperative that such a provision was incorporated in this amendment also, and it has been sought to be rightly done by the present amendment.

With these words, I support the Bill.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Very good Shri Amarprosad Chakraborty.

SHRI AMARPROSAD CHAKRABORTY (West Bengal): Mr. Vice-Chairman. the Minister, while introducing the Bill, quoted the oft-quoted slogan, "Justice delayed is justice denied." But *prima facie* the whole intention of the Government is actually to defeat justice by delaying intentionally. purposefully for the last four years.

Apart from that Sir, the amendment which has been placed before us, if I may say so, is no amendment at all. It could have been done by only putting in words saying what is meant by tribunal. Tribunal means tribunal, additional tribunal, assistant i tribunal extra tribunal because in the

[Shri Amarprosad Chakraborty]

Co-operative Societies Act, Registrar means Dy. Registrar, Assistant Registrar etc. in the Civil Procedure Code, what is meant by judge is judge, additional judge, sessions judge, additional sessions judge. So, so much of amendment in this way is not required.

It has been an effort, I feel, to befool some persons who approached the Government that there might be tenants who are harassed. Mostly tenants are harassed by landlords. So, it is only to give them a promise that this was placed. Otherwise this sort of amendment is unthinkable. This is no amendment at all,

Further, We find it very strange that this Act has given power to the High Court to transfer the cases. Is it an Act? Everybody who knows ABC of legal laws knows that High Court has the inherent power, the Supreme Court has got the power, to transfer any case from any court below it. Sir, I am only thinking of this matter, What is the motive in bringing this? It is not an exhaustive Act, it is not a comprehensive Act. Only we are giving power to one additional tribunal. That is all. In another place we are giving power to the High Court to transfer cases.

Lastly, I say, the purpose is obvious. I accuse them that they are befooling the people because in the Financial Memorandum, as my learned friend has already pointed out, there it is clearly written that no financial burden will be there. And they will appoint the Judges. Additional Judges and Sessions Judges who are already overbooked and already overburdened with their work. So, the fate of this amendment we are having, I say, will also be negative.

One thing, I must say. Who has obstructed them from not bringing comprehensive amendment? Who is the person, who is the drafter, who is the lawyer who is the legal brain?

Bringing this foolish thing before this House is a waste of time. After 1980, in 1984, in 80 it was passed in the Lok Sabha, and in 84 it is brought before us to pass it sitting here up to nine. Is it so important? There is no importance. It is a farce. It is a joke. It is folly to bring this.

With these words, I say, if they have good motives, they must bring a comprehensive law, because I can say with force because I brought this law in West Bengal. There is a tenancy Act, this is a bluff. If they want to do good to the people, if they want to do good to tenants, if they want to solve the housing problem, they must bring a comprehensive law. They must bring a comprehensive law. This is no amendment at all. This is no law at all. Its motive is to defeat; the actual purpose of this Act and to deprive the poor people whose cases are pending before the Tribunal and Rent Controller for so many years. This is the idea of the Government. Sir, there is nothing to support in this Bill. I wish to point out that it is purposefully motivated for depriving poorer sections of the tenants by their inactivity and by tendering wrong legal advice. I do not know if this Bill is meant to befool these people.

THE VICE-CHAIRMAN (SHRI K. RAMAKRISHNAN): Now, Mr Ghulam Rasool Kar, the last speaker on the Bill.

श्री गुलाम रसूल कार (नाम-निर्देशित):
मि. वाइस-चेयरमैन, जहाँ तक दिल्ली
रेन्ट कंट्रोल बिल में एमंडमन्ट का सवाल
है, इसका स्कीम बहुत लिमिटेड है
और टाइमबुनल बनाने तक लिमिटेड है। यह
दिल्ली रेन्ट कंट्रोल एक्ट सन् 1958 में
बना था। इन 25-26 सालों में दिल्ली
के मसाले में बढ़ोतरी हुई है। इस
सिलसिले में हमें सोचने की जरूरत है।
इन 25-26 सालों में दिल्ली में कितने नए
कामर्सियल इंदारे बने, कितनी नई बस्ति-
याँ बनी, कितने नए मकान बने और कितना

दिल्ली का फैलाव हुआ, इस पर हमें सांचे की जरूरत है। इन 26 सालों में दिल्ली की आबादी में कितना इजाफा हुआ, इस पर सांचा पड़ेगा। मौजूदा हालात में रूरल एरियाज से लोग जब उबरने एरियाज की तरफ बढ़ते हैं तो नए मसाइल उभर कर सामने आने लगते हैं। पुराने कानूनों से वे मसाइल हल नहीं होते हैं। हम इन मसाइल को कैसे हल करें, यह एक बुनियादी चीज है। इस बुनियादी बात का जयजा लेने के लिए हमें खुद सांचे-विचार करना चाहिए और खुद ही मसाइल को सामने रख कर आयन्दा नए सालों के लिए दिल्ली की जरूरियात को मद्देनजर रखना पड़ेगा। हमारी आबादी कितनी है, मकानात कितने हैं, दुकानात कितने हैं, अस्पताल कितने हैं, कार्मिशियल इवारे कितने हैं, इण्डस्ट्रीज कितनी हैं, उन इण्डस्ट्रीज में कितने लैबरेर्स लगे हुए हैं, अखबारात कितने निकलते हैं, वहाँ पर कितने लोग मलाजिम हैं, इन तमाम मसाइल का जयदा लेने के बाद यह जरूरी हो जाता है कि हमारे सामने आयन्दा के लिए एक नक्शा उभर कर सामने आए जिसमें किरायेदार और मकान-मालिक के बीच में कोई भगड़ा पैदा न हो। दरअसल बात यह है हमारे पास मकानात की कमी है, हमारे पास दुकानात की कमी है, हमारे पास जमीन की कमी है। और अब तक हम बुनियादी जरूरियात को जरे नजर रखते हुए दिल्ली की बढ़ती हुई हालात, बढ़ता हुआ एक्सपेंशन को जरे नजर रखते हुए नहीं देखेंगे तब तक हम नहीं समझ सकते। अगर आज दिल्ली की आबादी बाकई 70 लाख है, तो आने वाले दस सालों में एक करोड़ वह आबादी बन सकती है, उमड़ सकती है। लाजिमी नतीजा यह है कि एक करोड़ की आबादी को पंशे नजर रखते हुए हम इदारों की हालात और मकानात के फैलाव की जरूरियात को जरे नजर रखना चाहिए। इसके बिना मसाइल का हल नहीं होगा। एक आरजी मदावा है एक आरजी इलाज है। मैं मिनिस्टर साहब से गुजारिश करूंगा कि महज दिल्ली की आबादी को मद्देनजर न रखा जाय बल्कि दिल्ली के हर उन लोगों का भी ख्याल रखा जाए जिन्हें कारवारी हालात में यहाँ आरजी तौर पर आना पड़ता है। उन्हें यहाँ मकानात और दुका-

नात कार्मिशियल परपज के लिए लेने के अलावा वे लोग यहाँ इण्डस्ट्री कायम भी करना चाहते हैं। उनके लिये आपको मकानात और दुकानात का बन्दोबस्त करना चाहिए। यह हर शरस की स्वाहिश होती है। बुनियादी एक्ट की जो जरूरियात थी, हालात का तकाजा यह है कि 1958 की जो हालात थी, जो सांशत आर्डर था वह बदल गया है और आज इसमें तरमीम करने की जरूरत है। चाहिए तो यह था कि अपांजीशन की तरफ से इस तरमीम की हिमायत की जाती और लोगों को मज्जीद ट्राइवूनल की सहूलियत देने का एक माकूल फैसला हो जाता। अपांजीशन का यह काज है कि रहे तामीरी नुबत-नजर को अपनाए न कि हर मामले में उसे नुबताचीनी करना, क्रिटिसिज्म करना चाहिए। उनको चाहिए कि वह हुकूमत का साथ दे। उन्हें इस तरमीम का बलकम करना चाहिए था। ट्राइवूनल के बनने से लोगों को आसाश, लेंटीगेशन में फर्क आ जायेगा। कानून नहीं जानता है कि नई हालात में और इन 25 सालों तामीरी तरवको में जो दिल्ली का नक्शा बदला है, जो दिल्ली का फैलाव हुआ उसमें एक नए एक्ट और कम्प्रेहेंसिव एक्ट की जरूरत है। इसमें यह ख्याल रखना चाहिए कि हमारे आम लोगों की जो जरूरियात हैं, आनरेबल मिनिस्टर इन्चार्ज के नोटिस में मैं यह लाना चाहता हूँ कि जिन लोगों के पास पुराने वक्त का सरमाया था उन्होंने बाजार तामीर किए, मकानात बनाए और वे अपने कौपिटल, सरमाए की बुनियाद पर उन लोगों का इस्तहसाल करते हैं। बुनियादी कौपिटल वसूल किया दिद दि इन्टररेस्ट। जैसे हम जमीन अक्वायर करते हैं और काश्तकार को मुंतकिल करते हैं। इसके लिए एक सब करना चाहिए कि जिन लोगों ने अपने मकानात और दुकानात किराए पर दिए हैं उसका वे इस्तहसाल करते हैं, एक्सप्लाइटेशन करते हैं और गरीबों को वे मुंतकिल होने चाहिए। कम से कम रेट पर, कम से कम किश्तों पर अक्वायर करने के बाद गवर्नमेंट को उसको अपने कब्जे में लेकर गरीबों को मुंतकिल करना चाहिए। दूसरी तरफ यह भी देखना चाहिए कि जिन लोगों ने अपने मकानात बनाये अगर उन्होंने किराये पर अपने पास मकान रखा है और वे पगड़ी और रेंट

[श्री ग़ुलाम रसूल कार]

वसूल करते हैं, दूसरे लोगों से, तो उन लोगों से भी मकान छीने जाने चाहिए और उन लोगों को देने चाहिए जिनके पास मकान नहीं है, जिनके पास जमीन नहीं है। लाजमी बात यह है कि इन तमाम जरूरतों के लिए एक जायजा लेने की जरूरत है और सब करने की जरूरत है। मुझे ऐसा लगता है कि सरकार की यह जिम्मेदारी है, उन्होंने किया होगा, कि हमें कितने मकानों की जरूरत है, हमें कितनी दुकानों की जरूरत है, हमें कितने कर्शियन्स इरादों की जरूरत है और इस बढ़ते हुए फ्लैव के लिए क्या जरूरत है। मैं कल यह तजकरा कर रहा था कि दिल्ली, नार्थ इण्डिया की सरकार है फ्रूट्स के लिए। शिमला, कुलू, हिमाचल प्रदेश, काश्मीर इन सब के फ्रूट्स को मार्केट बनी हुई। साथ ही वहाँ सब्जी मार्केट भी है। इसके सिलसिले में मैं कहना चाहता हूँ कि वहाँ पर आपने फ्रूट्स के लिए भी मार्केट रख लिया है और सब्जी के लिए भी रख लिया है। अच्छा होता यदि फ्रूट्स के लिए अलहिदा मार्केट बनाया जाता और खाने पीने के लिए, सब्जी के लिए एक अलहिदा मार्केट बनाया जाता और मार्केट के लिए यह खयाल रखा जाता कि शिमला, कांगड़ा, हिमाचल प्रदेश और काश्मीर से जो लोग तीन या छह महीने के लिए माइग्रेट हाँकर यहाँ किराए पर मकान लेते हैं या जमीन लेते हैं, उनके लिए यहाँ पर हाउसिंग प्रावलम बन जाती है तथा मैं रखए के मुकाबले तीन-चार हजार में उनको मकान किराए पर लेने पड़ते हैं। हाउसिंग मिनिस्टर से पूरजोर अपील करता हूँ कि इस मसले की तरफ ध्यान दें। यह मसला इतना पीचदा बनता जा रहा है अगर आप उन लोगों के लिए मकानों की बन्दोबस्त न कर लें, उन लोगों के लिए मार्केट का बन्दोबस्त न कर लें या उन लोगों के लिए रिहायश का इन्तजाम न कर लें। यह करना लाजमी बात है लेकिन जो मसाल है वो इस तरह से हल नहीं होता है छोटी-छोटी कानूनी तरमीमों से आजों तौर पर हल हो सकते हैं लेकिन बीमारी का हमेशा मुस्तीकल इलाज किया जाना चाहिए। दिल्ली की हजारों

सालों को सैकड़ों सालों की शान है अब दिल्ली एक इन्टरनेशनल कॉन्सलिटेशन मरकज है और दुनिया की नजरें यहाँ लगी हुई हैं, तमाम मुल्कों से लोग यहाँ आते हैं और यहाँ पर रहना चाहते हैं, उन को तमाम जरूरतों के पैसे नजर रख कर एक कम्प्रेहेंसिव एक्ट मरबूत एक्ट को सरकार तर्तीब देनी चाहिए और पूरा स्वी करने के बाद हाउस के सामने आना चाहिए। उस नजरिए के साथ किसी को इक्विटाफ न हो लेकिन जो आप तरमीम लाए हैं इस एक्ट में कि ट्रिव्युनल् को बढ़ाया जाए आप जितने चाहें उतने ट्रिव्युनल् बढ़ाए, इजाफा करें। लेकिन मैं यह महसूस करता हूँ कि दोर आयात दूरस्त आयात बजाय इसके कि हम कहें अच्छी बात है हम जोग चार साल के बाद लाए हैं अब चार साल के बाद आया तो है हाउस के सामने लेकिन अगर आर्डिनेंस ले आते तो कहते दीखिए साहब यह तो आर्डिनेंस के जरिये से हकूमत चलाते हैं। एक-उसूल गवर्नमेंट का यह है कि अगर लांअर हाउस ने इसको पास किया है तो गवर्नमेंट के लिए यह जरूरी लाजमी बनता है कि इस हाउस को भी जर्जरी हासिल कर ले। कल आडवाणी साहब बोलेंगे, अगर इस हाउस की मंजूरी न हुई तो यह कानून नहीं बन सकता है और बूटा सिंह साहब का आर्डिनेंस करना पड़े लेकिन यह शोर होगा, प्रो-पेगंडा होगा कि गवर्नमेंट आर्डिनेंस के जरिए हकूमत चलाती है लिहाजा जरूरी है कि चाहे जो आपका नुक़्तेनज़र हो उसको पेशे-नजर रखते हुए आपको एक तामीरी रोल अदा करना चाहिए और हकूमत को शाबाश देनी चाहिए धन्यवाद करना चाहिए कि उन्होंने एक तरमीम लाया है ताकि लिटीगेशन में फर्क हो और लोगों को मुकदमात हल करने में कामाजी हो और आखिरी बार फिर शोर देता हूँ कि यहाँ सब्जी मण्डी के दारे में, फ्रूट मार्केट के दारे में फोरी तौर पर कोर्ड न कोर्ड कदम उठाया जाए और फ्रूट मार्केट में मकानात, दुकानात और बाकी जरूरतों को ज़ेरे नजर रखना चाहिए। मुझे तबक्को है कि यह शिकायत जो है इस शिकायत को इजाला होगा और गवर्नमेंट आइन्दा सेशन में एक मरबूत कम्प्रेहेंसिव बिल इस हाउस के सामने लाएगी जिसमें इन तमाम बातों को ज़िन्का मैंने

तत्काल किया है और गजर रखा जाये और जो एम्प्लॉयमेंट करते हैं सरप्लाई के कल-बूट पर उनके मकानों छीनने चाहिए और वह न गरीबों का दें चाहिए जिनके किराया में बाँट है और आसान क्रिस्टों में उनको यह मिलने चाहिए । श्रुतिया ।

SHRI MOHD. USMAN ARIF; Mr. Vice-Chairman, I am thankful to all the honourable Members who have participated in the debate and unanimously supported this amendment Bill. The honourable Shri Radha-krishna drew our attention to Sections 85 and 38. He wanted to say that the provision of Additional Rent Controller is already there in Section 35. He is confused in this point By the addition of Section 38A we have made a provision for Additional Rent Control Tribunals, to hear appeals. Therefore, I say that the contention of the honourable Member is not right. Besides that he referred to the housing problems. As regards the Bill nearly all the Members have given their full support. The honourable Dr. Shanti Patel asked for the number of cases which are pending. He himself stated in his speech that as on 30-9-1983 15,667 cases were pending. The other thing which he brought to the notice of the House is about housing problem.

DR. SHANTI G. PATEL; What I wanted to know was how many cases are pending before the Rent Controllers. What you said is about cases pending before the Tribunal.

SHRI MOHD. USMAN ARIF; These are before the Rent Controllers.

DR. SHANTI G. PATEL; These are appeals.

SHRI MOHD. USMAN ARIF; Appeals are besides these cases. Appeals pending upto January 1973 were 900. Appeal pending as on January 1979 were 1605. The other figures relate to cases before the Rent Controllers.

DR. SHANTI G. PATEL; How can it be? If he does not know, he can say he has no information.

SHRI MOHD. USMAN ARIF; Mr. Patel himself said that the whole root cause is housing problem. He said that in Delhi we are doing nothing about houses. That is not correct. DDA is doing a commendable work. It has constructed more than one lakh houses for the poor section.

DR. SHANTI G. PATEL; What we require is one million.

SHRI MOHD. USMAN ARIF-. Requirement may be more. I am putting before the House whatever has been done. Plots given to group housing societies are to the extent of 2,50,000. DDA and the Government are doing their level best to give as much accommodation as is possible. At the same time the Hon'ble Members will realise that the population of Delhi has increased like anything. We have to cope with that situation. Still if you say that we are doing nothing, it will be most unfair.

Another important point' noised is about the need for a comprehensive Bill. My Hon'ble colleague gave an assurance the other day in the other House that a comprehensive Bill will be brought forward surely. All the points raised by Hon'ble Members here and in the other House would be taken into consideration. No doubt they have given very valuable suggestions.

SHRI MOHD. USMAN ARIF; We will do our best to bring it. We will try to bring it as soon as possible and the suggestions given by all the Hon'ble Members are taken note of.

श्री लाल कृष्ण आडवाणी: क्या आप इसको अगले सेशन में मानसून सेशन में लायेंगे?

Shrimati Pratibha Singh and all others were concerned about tenants and landlords. Really it is a great

[Shri Mohd. Usman Arif]

problem and we also share their concern. At the time of bringing the comprehensive Bill, due consideration will be given to all those points and it will be our effort to ease the situation as far as possible.

The scope of this Bill is quite limited and all the Member have agreed to this amendment. I have committed before the House regarding the comprehensive Bill. Now I commend the Bill for the approval of the House.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): The question is:

"That the Bill further to amend the Delhi Rent Control Act, 1958, as passed by* the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): We will now take up clause-by-clause consideration of the Bill.

Clonuses 2 to 4 were added to the Bill.

Clause 1. the Enacting Formula and the Title were added to the Bill.

SHRI MOHD. USMAN ARIF: Sir, I beg to move;

"That the Bill be passed."

The question was proposed.

SHRI AMARPROSAD CHAKRABORTY: Sir, there is only one point that I would like to make. Under clause 4, in connection with the rulemaking powers, I think that with the procedure that they have now laid • down, it would take at least another four years for them to formulate the rules. Please take note of it.

THE MINISTER OF PARLIAMENTARY AFFAIRS, SPORTS AND WORKS AND HOUSING (SHRI BUTA SINGH): We have noted it.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Yes, the Minister has taken note of it. Now,, I will put the motion to vote. The question is:

•"That the Bill be passed."

The motion was adopted.

THE MERCHANT SHIPPING (AMENDMENT) BILL, 1984

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): We have one more Bill I would also like to remind the Members that there is also a Motion. So, I would request the Members to be as brief as possible. Now, we shall take up the Merchant Shipping (Amendment) Bill. 1984. Yes, Mr. Vijaya Bhaskara Reddy.

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI K. VIJAYA BHASKARA REDDY): Sir, I beg to move:

"That the Bill further to amend the Merchant Shipping Act, 1958, as passed by the Lck Sabha,, be taken into consideration."

Sir, with your permission, I would like to say a few words.

The Merchant Shipping Act has been amended from time to time to give effect to the International Conventions on maritime matters. The defects which have come to light after the last amendment have been examined by the National .Shipping Board and it is now proposed to give effect to those recommendations by amending the Act.